

Applicants provisionally elect Group I including Claims 1-12 and 25. This election is made with traverse.

In the Restriction Requirement, the Examiner states that restriction is proper because the inventions in the Groups are unrelated, since it can be shown that they are not capable of use together, and have different modes of operation, different functions, or different effects (MPEP §808.01).

The foregoing rational is first considered in regards to Groups I and II. Independent method Claim 1 of Group I describes a method for executing methods upon data objects that are distributed across a plurality of nodes of the system. Claim 1 includes providing a first graphical interface of data object categories. User selection of a category results in display of a list of data objects in the category. Upon selection of a data object, a second graphical interface is provided to display the object's contents, as well as methods to execute on the object. A selected method may then be executed upon the selected object so that the results may be displayed.

Independent method Claim 13 of Group II also describes a method of executing methods (or transactions) on data. In particular, a special device is provided that includes a graphical user interface, and an agent/messenger for enabling the device to access data at one or more remote sites. The method also includes executing a sequence of transactions upon a display of the special device via user interactions with the screen of the display.

Claims 1 and 13 may be compared as follows:

a.) Claim 1 includes a special device providing a graphical interface. So does Claim 13.

b.) Claim 13 describes the special device as having an agent/messenger for enabling the device to access data at one or more remote sites. Claim 1 does not specifically state that the special device includes an agent/messenger. Therefore, the embodiment of Claim 1 may, or may not, include an agent/messenger. (See

Applicants' Specification page 7 lines 5-26, which describes some embodiments that include agent/messengers, and some that do not.)

c.) Claim 13 specifically describes the nodes as being remotely located. Claim 1 states that the data is distributed across a plurality of nodes of the system. Although Claim 1 does not specifically state that these nodes may be remotely located, this possibility is not precluded. Moreover, Figure 1 element 121 indicates that at least some of the system nodes involved in the invention may be remotely located.

d.) Claim 13 describes executing a sequence of transactions. Claim 1 specifically lists one possible embodiment of a sequence of transactions that includes two responding steps. Thus, Claims 1 and 13 correspond to the description in the Specification regarding transactions as follows:

"When the user clicks on the ActiveX control, a pull-down menu on the special device display lists the available data objects, each of which may include heterogeneous datasources distributed across a worldwide network. The user then selects an object of interest. In response, a second pull-down menu lists the methods that may be run against that object. The user then clicks on one of the methods (e.g., search, sort, compute.). If the data is distributed, the method is run in parallel across the distributed data. As will be apparent, various other transactions may be implemented via the special device display according to the invention in addition to accessing data objects and executing methods upon them." (Specification page 3 lines 8-17).

That is, the two responding steps of Claim 1 provide a specific implementation of a sequence of transactions, as described in the first eight lines of the passage set forth above. Claim 13 recites a general sequence of transactions, as set forth in the remainder of the passage.

To summarize, Claims 1 and 13 both describe methods according to embodiments of the current invention. These Claims are of varying scopes. However, these Claims are not unrelated as the Examiner asserts. That is, the invention of Claims 1 and 13 are *not* incapable of use together. Thus, they do not satisfy the requirement of § 808.01 of the MPEP of 1.) being incapable of use

together and 2.) having different modes of operation, different functions, or different effect. It is therefore submitted that this restriction requirement is improper, and should be withdrawn.

The Examiner supports the Restriction Requirement discussed above by stating that Group I is classified in class 707, subclass 10, whereas Group II is classified in class 709, subclass 202.

Class 707, which is said to include Claim 1, is the generic class for data processing apparatus and corresponding methods for the retrieval of data stored in a database or as computer files. Subclass 10 relates to subject matter directed to management of distributed database data and file access and retrieval from centralized or remote sites. Thus, in making this classification, the Examiner is recognizing that Claim 1 could encompass remote retrieval, as is specifically discussed in Claim 13.

Class 709, which is said to include Claim 13, provides for an electrical computer or digital data processing system or corresponding data processing methods including apparatus or steps for transferring data or instruction information between a plurality of computers wherein the computers employ the data or instructions before or after transferring, **and the employing affects said transfer of data or instruction information.** (See US PTO web site at:

<http://www.uspto.gov/go/classification/uspc709/defs709.htm#C709S202000>,
emphasis added)

With respect to the classification of Claim 1, assuming Claim 1 is classified under class 707, subclass 10, then it would appear Claim 13 should be classified in this manner as well. Both Claims may be described as relating to retrieval of data that may be remotely distributed. The Examiner, however, states that Claim 13 is classified under Class 709. This class involves systems for transferring data between computers that (somehow) employ the data before or after the transfers, **and this employing of data affects said transfer of data or instruction**

information. Claim 13 does not describe employing the data in any way that affects the transfer of the data. Therefore, it is not understood why this Claim would be included within Class 709, and not classified along with Claim 1. It is believed the Examiner is somehow misreading Claim 13. If this Restriction Requirement is not withdrawn, additional clarification regarding this classification is respectfully requested.

For at least the foregoing reasons, it is believed the Restriction Requirement regarding Groups I and II is improper, and should be withdrawn.

Next, a discussion of Group III is provided. This Group includes independent apparatus Claim 23. This apparatus Claim describes a special device having a display screen, and means for executing a sequence of transactions upon the display screen using point and touch interaction. Each transaction of the sequence is based on the result of execution of a previous transaction.

The aspects of Claim 23 may be discussed in regards to those of method Claim 13 of Group II.

a.) Both Claims 13 and 23 describe a special device having a user interface. Claim 13 describes the interface as a graphical user interface, and Claim 23 describes the user interface as a display screen. The graphical user interface of Claim 13 may be display screen, and the display screen of Claim 23 may provide a graphical user interface. In any case, both Claims describe various aspects of the invention, and are consistent with the description in the Specification as follows:

"A special device hardware input/output interface 113 operates under control of user interface and script generation software 115. The hardware interface 113 may be, for example, a conventional touch screen and stylus of a palm-held device, which displays graphics and enables function selection by touching various icons and other indicia on the screen."
(Specification page 6 lines 14-18.)

b.) Both Claims 13 and 23 describe executing a sequence of transactions. In particular, Claim 23 describes means for executing a sequence of transactions upon said screen using visual point and touch interaction. Similarly, method Claim 13 describes executing a sequence of transactions upon data on a display screen via visual user interaction with the screen. The interaction of Claim 13 may, or may not be, visual point and touch interaction.

c.) Claim 23 describes that each of the transactions of the sequence may be based on the result of execution of a previous transaction. Claim 13 describes executing a sequence of transactions. The transactions of Claim 13 may, or may not be, based on the result of the execution of a previous transaction.

d.) Claim 23 describes that the transactions are executed upon data stored across a plurality of remote storage locations. Claim 13 states that the data upon which the sequence of transaction is executed is accessed from one or more remote sites.

From the foregoing it is hard to understand why the Examiner is stating that the invention of Claim 13 is unrelated to that of Claim 23. These Claims describe scopes and aspects of embodiments of the same invention. That is, the invention of Claims 13 and 23 are *not* incapable of use together. Thus, they do not satisfy the requirement of § 808.01 of the MPEP of 1.) being incapable of use together and 2.) having different modes of operation, different functions, or different effect. Therefore, it is submitted that this restriction requirement is improper, and should be withdrawn.

Next, the classifications of Claims 13 and 23 are considered. As discussed above, the Examiner states that Claim 13 is classified in class 709, subclass 202. This class involves systems for transferring data between computers that employ the data before or after the transfers, and this employing of data affects the transfer of data or instruction information. As previously discussed, this classification is not understood, since Claim 13 is unrelated to any employment of the data in a way that somehow affects the transfer of that data.

Turning next to Claim 23 and Group III, the Examiner states that this Group is classified in class 345, subclass 700. This class provides for processes and apparatus for selective electrical control of two or more light-generating or light-controlling display elements in accordance with a received or stored image data signal. In particular, the cited subclass includes a display controller for accessing image data. The display control includes, for example, control between a display memory and the display elements. The display control may be performed by a processor, wherein enhancements for a previously created and stored image are provided. Examples of such display control include display memory addressing, display screen energizing, and received image data control in response to input signals applied to the display control to provide an enhanced image for display.

It appears that the Examiner is classifying Claim 23 in class 345 because Claim 23 mentions a display screen with point and touch interaction, such as a touch screen, for example. This mere mention of point and touch interaction does not amount to the type of display controller involved in class 345 subclass 700. Moreover, as discussed above, Claim 13 and Claim 23 describes various scopes and aspects of the same invention, and it is not understood how the two Claims could be in such different classes just because Claim 13 describes use of a display screen, and Claim 23 mentions use of a display screen having point and touch interaction.

For the foregoing reasons, it is not believed that the grouping of the Claims into Groups I, II, and III is proper. It is respectfully requested that this Restriction Requirement be withdrawn.

Conclusion

The Restriction Requirement dated February 5, 2004 requires election of one of three Groups of Claims. Group I including Claims 1-12 and 25 is herein provisionally elected with traverse, as set forth above. It is believed this Restriction Requirement is made in error for the reasons set forth above, and it is respectfully requested this Restriction Requirement be withdrawn. If the Examiner has questions or concerns, a call to the undersigned is encouraged and welcomed.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 5, 2004.

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April 5, 2004
Date of Signature